Mr. Speaker: 36 members have risen in their seats in support of the motion for leave being granted. This shows that leave is refused. I, therefore, inform the hon. Member that he has not the leave of the house.

PAPERS LAID ON THE TABLE

Chief Minister **(Sri. C. Kesavan):** I beg to lay on the table the Reports of the Public Service Commission on the work done by them for the periods from 17th August 1949 to 25th January 1950 and from 26th January 1950 to 31st March 1950, as required under 323(2) of the Constitution. (Placed in Library)

LEGISLATIVE BUSINESS

The Travancore-Cochin Civil Courts Bill—(Third Reading)

Minister for Industries and Labour **(Sri. P. K. Krishnankutty Menon):** Sir, I move that the Travancore-Cochin Civil Courts Bill as amended be passed.

Minister for Public Works **(Sri. G. Chandrasekhara Pillai):** Sir, I second it.

The question that the Travancore-Cochin Civil Courts Bill be passed was put and carried.

The Bill was passed.

THE CODE OF CIVIL PROCEDURE (TRAVANCORE-COCHIN) AMENDMENT BILL

Minister for Industries and Labour **(Sri. P. K. Krishnankutty Menon):** Sir, I beg to present the report of the select committee on the Code of Civil Procedure (Travancore-Cochin) Amendment Bill.

സർ, ഈ ബിൽ ഈ സഭയിൽതന്നെ അവതരിപ്പിച്ച് സെലക്ട് കമ്മറ്റിയുടെ പഠിച്ചാലോചനക്ക വിഷയമാക്കിയിട്ടുള്ളതാണ്. ഇന്ത്യൻ സിവിൽ നടപടി നിയമത്തിലെ ക ഠ ഠാം വകുപ്പ് ക്ഷാം ഉപവകുപ്പിൽ ഹൈക്കോടതിയിലേക്ക് രണ്ടാംവകുപ്പിൽ ചില സന്ദർഭങ്ങളിൽ കൊടുക്കുവാൻ ഒരു ഭേദഗതി ഈ ബിൽ കൊണ്ട് ഉദ്ദേശിച്ചിരിക്കുന്നു. ഭേദഗതിയെ സംബന്ധിച്ച് സെലക്ട് കമ്മിറ്റി പഠിച്ചാലോചിക്കുകയും ഇത് ആവശ്യമാണെന്ന് റിപ്പോർട്ട് സമർപ്പിക്കുകയും ചെയ്തിട്ടുണ്ട്.

Minister for Public Works **(Sri. G. Chandrasekara Pillai):** I second it.

The Motion was adopted.

Sri. P. K. Krishnankutty Menon: I move that the Bill as reported by the Select Committee be taken into consideration.

Sri. G. Chandrasekhara Pillai: I second it.

The Motion was put and carried.

Clauses 2 and 3

The question that clause 2 stand part of the Bill was put and carried.

Clause 2 was added to the Bill.

The question that clause 3 stand part of the Bill was put and carried.

Clause 3 was added to the Bill.

Clause 1 and Preamble

The question that clause 1 and the Preamble stand part of the Bill was put and carried.

Clause 1 and the Preamble were added to the Bill.

Title

The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

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Sri. P. K. Krishnankutty Menon : I move that the Code of Civil Procedure (Travancore-Cochin) Amendment Bill be passed.

Sri. G. Chandrasekhara Pillai : I second it.

The question that the Bill be passed was put and carried.

The Bill was passed.

The Travancore-Cochin Police Bill—*(cont.)*

Sri. P. S. Nataraja Pillai : I was submitting yesterday that Clause 25 of the Bill is one which will affect the civil liberty of the citizens. Therefore, it is unnecessary and unwanted. In this connexion, I have only to say a word more. Under the form of Government in which we are now living, we must remember that citizens have a greater right than they had under former regimes. Unless the Government is prepared to realise the full implications of democracy and its form of Government and recognise liberty of speech and liberty of action as sacred, no useful result will ensue from this form of Government. The two things are intervoven in such a way as to form the basic conception of democracy and that form of Government. With these rights alone can such a form of Government be of use to the people. But under the wording in Section 25 the executive officer has a discretion to restrict both. Whenever he thinks necessary, he can prohibit the exercise of the basic right of the citizen which he is freedom of speech. The executive officers' opinion that it will not be in the interest of the country to allow a particular man to have his say in public is enough to enable him to prohibit that man from uttering a word in public. That is an infringement of a very important part of an individual's right. Restrictions on the exercise of individual rights must be in consonance with the fundamental rights that are guaranteed to the people at large. Every citizen must have the liberty to exercise his right of free speech which is inherent in him. What I therefore plead is no right should be vested in an executive officer of Government to be exercised in the manner he likes to restrict the right of the individual. I am prepared to concede that occasions may arise when the right of free speech will have to be curtailed when there are legitimate grounds as to inflame religious animosity or hostility between different classes, or to incite the commission of an offence, a disturbance of the public peace, or resistance to law or lawful authority. If these consequence are expected to follow out of a public speech then in the interest of the country or society at large, the right of freedom can be curtailed. Power may be granted to the District M gistrate to do so. As it is under the Criminal Procedure Code that is in force, the District Magistrate can exercise his authority to curtail the liberty of free speech of a citizen under certain conditions. What more does the Government want. That is my question. I cannot reasonably understand why Government cannot be contented with the powers that are vested in the District Magistrate to prohibit a man from indulging in activities which will endanger the life or property of individuals or cause disturbance to public order and peace. The wording is found in the Code itself. I ask, why should additional powers be drafted on to the executive officer and that too without any review by a judicial authority. I may go to the extent of saying that that executive officer may take such action as to endanger peace in the land in the same way as the individual may think his speech will be in the interest of the people of the land. So there is room for clash of interests. So it is better to leave the matter to be adjudicated by a judicial officer. Whenever the exercise of a right is to be curtailed, provisions of the Criminal Procedure Code afford ample scope. There is also appeal to the higher authority in that matter. Therefore, what I submit is that the clause may be deleted.

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